

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** February 13, 2019

**Agenda Item:** Harris Land and Cattle Conservation Easement Amendment (Subdivision Rights)

**Division:** Wildlife      **Action Needed:** Endorsement

**Time Needed on Agenda for this Presentation:** 5 minutes

◆-----◆

### **Background**

FWP purchased a 10,013-acre Conservation Easement (CE) in 1998 in the Highwood Mountains from the Marjorie Gray Family. The CE allowed the land to be divided and sold into 640-acre or larger parcels as long as the land remained in agricultural use and subject to terms of the CE. The agricultural subdivision language found in the Harris Land and Cattle CE was commonly used in 1990s and early 2000s era conservation easements but was discontinued in more recent agreements. The language has proven problematic over the years on earlier conservation easements by placing additional strains on staff capacity, increased susceptibility of stewardship violations, and complicating resource management and public access objectives. Per current easement terms, the Harris Land and Cattle CE could legally be subdivided into 15 640-acre parcels. To date, one 700-acre block has been sold. Lands to the north of the ranch have experienced small residential lot development. There is increasing potential for dividing the ranch into horse pastures and other small grazing parcels. FWP proposes to amend the Harris Land and Cattle CE by purchasing the agricultural subdivision rights.

### **Public Involvement Process & Results**

Upon commission endorsement, FWP would complete an Environmental Assessment (EA) with a 30-day public comment period on the proposed action. Legal notices would be printed in the *Great Falls Tribune*. The EA would also be posted on the FWP website.

### **Alternatives and Analysis**

Two alternatives were considered: 1) (No Action) FWP does not amend the Harris Land and Cattle CE, leaving open the potential for subdivision of the property into 640-acre or larger parcels; and 2) (Proposed Action) FWP amends the CE, removing the language that allows the landowner the right to subdivide the land for agricultural purposes. Proceeding with the proposed action could assure habitats and access opportunities in this conservation easement would continue to be managed as one large unit.

### **Agency Recommendation & Rationale**

FWP recommends that the commission endorse this project because of the benefits to wildlife, the recreating public, and maintenance of a viable family agricultural operation.

**Proposed Motion:** I move the commission endorse this proposed amendment to the Harris Land and Cattle Conservation Easement, allowing the department to conduct further analysis and public review.